

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 4, 2008. At the time of the Office Action, Claims 1-26 were pending in this Application. Claims 1-26 were rejected and Claim 1 was objected to. Claims 1, 14, 23, and 26 have been amended to more clearly recite features of the present invention. Claims 10 and 24 have been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claim 1 was objected due to the recitation of certain phrases, which the Examiner recommended be replaced with alternative language. Applicants have amended Claim 1 accordingly.

Rejections under 35 U.S.C. §103

Claims 1-9, 14-16, 19-23 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0198608 issued to Bruce Alan Smith ("*Smith*"), in view of Japanese Publication 2000-102166 by Akiro Ando ("*Ando*").

Claims 10, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied Claim 1, 14 and 23, and further in view of U.S. Patent 6,735,704 issued to David Butka et al. ("*Butka*").

Claims 11 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied to Claim 1 and 14, and further in view of U.S. Patent Publication 2005/0177755 issued to Henry T. Fung ("*Fung*").

Claims 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied to Claim 1, and further in view of U.S. Patent 6,766,222 issued to Raymond S. Duley ("*Duley*").

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Independent Claims 1, 14, 23, and 26 Are Allowable Over the Proposed *Smith-Ando* Combination

Independent Claim 1 as amended recites, among other limitations:

a management controller associated with the midplane, **the management controller storing a start up sequence for the plurality of server modules and the management controller operable to provide sequence redundancy by sequencing power to the plurality of server modules during start-up** if the midplane experiences a failure.

None of the cited references disclose this feature.

In his rejection of Claim 10, the Examiner admits that, “*Smith* and *Ando* did not disclose a management controller to provide redundant operation.” (Office Action, page 10).

The Examiner, however, incorrectly argues that *Butka* discloses:

a system [10; fig. 1] comprising a management controller [master controller 20] associated with the midplane [bus 22], the management controller operable to provide sequence redundancy by sequencing power to the plurality of server modules if the midplane experiences a failure [col. 4, ll. 8-51; col. 5, 1.34- col. 6, 1.62].

(Office Action, page 11).

Instead, *Butka* discloses a master controller “provided to monitor normal operating conditions of the power subsystems and communication bus. The master controller is programmed to ensure that a predetermined number of power supplies are coupled to the power bus, even in the event of total or partial communication failure.” (*Butka*, Abstract). *Butka*’s master controller 20 is **not** used during start-up to sequence power, but rather during steady state, or normal, operating conditions:

controllers 18A, 18B... 18N are preferably permitted to control the state (coupled or decoupled from the power bus) only during initial periods defined as a reset or power on period. At all other times, the present invention utilizes master controller 20 to control and manage the power supplies in each of the subsystems (units)...

(*Butka*, 5:55-61).

For at least these reasons, the limitations of Independent Claim 1 are not disclosed by any of the cited references nor any combinations thereof. For analogous reasons,

Independent Claims 14, 23, and 26 are allowable. Because dependent claims 2-9, 11-13, 15-22, and 25 depend from allowable independent claims, they are likewise allowable.

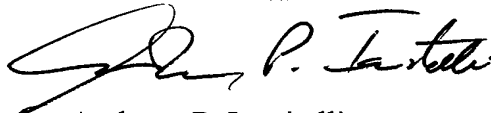
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration and allowance of Claims 1-9, 11-23, and 25-26.

Applicants believes there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2642.

Respectfully submitted,
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